

**REMARKS**

Applicant respectfully requests reconsideration in view of the amendment and following remarks. The applicant has amended the claims 3-7, 15, and 64 as suggested by the Examiner. The applicant has cancelled claims 71 and 92. No new matter has been added.

Claims 1, 3-18, 20-28, 30-39, 41-48, 50-65, 71, 82-85, 87, 89, 91 and 92 were rejected under 35 U.S.C. § 112, first paragraph. The applicant respectfully traverses this rejection.

The Examiner stated at page 2 of the Office Action,

the specification, while being enabling for instant chlorinated free acid herbicides being combined with instant surfactants other than alcohol alkoxylate, does not reasonably provide enablement for instant chlorinated acid free acid herbicides being combined with alcohol alkoxylates. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make / use the invention commensurate in scope with these claims. USPN 6207617 **discloses a composition wherein a free acid herbicide such as dicamba is combined with an alcohol alkoxylate in a ratio of 1:2 to 1:30.** USPN '617 teaches that the chlorinated acid herbicide does not fully dissolved in the alcohol alkoxylate. See abstract, column 6 line 31- column 7 line 12, column 7 line 62- column 8 line 50, column 9 lines 25-48. (emphasis added).

The Examiner is correct that USPN '617 discloses that the chlorinated acid herbicide does not full dissolve in the alcohol alkoxylate. However, the Examiner inadvertently listed the ratio in the wrong order. USPN '617 discloses and teaches that there must be more plant treatment compound versus surfactant and not the opposite as stated in the office action.

USPN '617 states, "[t]he weight ratio of the surfactant to the plant treatment compound is about 1:2 to about 1:30" (see the abstract and col. 6, lines 48-49). The same ratio is also stated in USPN '617 at col. 7, lines 9-10, 24-25, and 38-40.

In fact, USPN '617 requires a minimum of at least double the amount of plant treatment compound as compared to surfactant which is just the opposite of the applicant's claimed invention. The applicant requires

"said at least one surfactant component (b) is present in a quantity equal to or greater than said at least one chlorinated carboxylic acid herbicide component (a)" (see the last two lines of the applicant's claim 1).

The applicant believes that their claims are enabled. Again, the applicant requires said at least one surfactant component (b) is present in a quantity equal to or greater than said at least one chlorinated carboxylic acid herbicide component (a). This is the opposite of USPN '617 patent. **In fact, USPN '617 is evidence that the applicant's claimed invention is enabled.** In view of the above amendment, applicant believes the pending application is in condition for allowance.

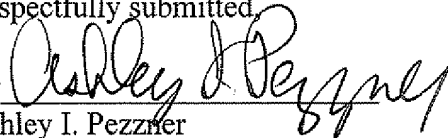
Application No. 09/916611  
Reply to Office Action of February 14, 2007

Docket No.: 00306-00142-USU

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 00306-00142-USU from which the undersigned is authorized to draw.

Respectfully submitted,

By



Ashley I. Pezzner

Registration No.: 35,646  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, Delaware 19899  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Applicant